



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

May 22, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on May 22nd, 2019:

H.B. 2123 TPT; distribution; community college districts.. (Udall)  
H.B. 2133 voter registration; updates; internet address (Thorpe)  
H.B. 2467 committees; west basin water users (Cobb)  
H.B. 2480 setting aside judgment; felony offense (Bowers)  
H.B. 2639 timeshares; disclosures (Bolick)  
S.B. 1154 primary date; first August Tuesday (Gowan)  
S.B. 1161 school facilities; revisions (Borrelli)  
S.B. 1185 weights and measures; licensing periods (Pratt)  
S.B. 1235 possessory improvements; government property; assessment (Mesnard)  
S.B. 1297 genetic testing information; confidentiality; exceptions (Brophy-McGee)  
S.B. 1349 family college savings program (Livingston)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed  
**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 244**  
**HOUSE BILL 2480**

AN ACT

AMENDING SECTION 13-907, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-907, Arizona Revised Statutes, is amended to  
3 read:

4 13-907. Setting aside judgment of convicted person on  
5 discharge; application; release from disabilities;  
6 firearm possession; exceptions

7 A. Except as provided in subsection K of this section, every person  
8 convicted of a criminal offense, on fulfillment of the conditions of  
9 probation or sentence and discharge by the court, may apply to the court  
10 to have the judgment of guilt set aside. The convicted person shall be  
11 informed of this right at the time of sentencing.

12 B. The person or the person's attorney or probation officer may  
13 apply to set aside the judgment. The clerk of the court may not charge a  
14 filing fee for an application to have a judgment of guilt set aside.

15 C. The court shall consider the following factors when determining  
16 whether to set aside the conviction:

17 1. The nature and circumstances of the offense that the conviction  
18 is based on.

19 2. The applicant's compliance with the conditions of probation, the  
20 sentence imposed and any state department of corrections' rules or  
21 regulations, if applicable.

22 3. Any prior or subsequent convictions.

23 4. The victim's input and the status of victim restitution, if any.

24 5. The length of time that has elapsed since the completion of the  
25 applicant's sentence.

26 6. The applicant's age at THE time of the conviction.

27 7. Any other factor that is relevant to the application.

28 D. If the application is granted, the court shall set aside the  
29 judgment of guilt, dismiss the complaint, information or indictment and  
30 order that the person be released from all penalties and disabilities  
31 resulting from the conviction except those imposed by:

32 1. The department of transportation pursuant to section 28-3304,  
33 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319.

34 2. The game and fish commission pursuant to section 17-314 or  
35 17-340.

36 E. A conviction that is set aside may be:

37 1. Used as a conviction if the conviction would be admissible had  
38 it not been set aside.

39 2. Alleged as an element of an offense.

40 3. Used as a prior conviction.

41 4. Pleaded and proved in any subsequent prosecution of the person  
42 by this state or any POLITICAL subdivision of this state for any offense.

43 5. Used by the department of transportation in enforcing section  
44 28-3304, 28-3305, 28-3306, 28-3307, 28-3308, 28-3312 or 28-3319 as if the  
45 judgment of guilt had not been set aside.

1 F. The clerk of the court must notify the department of public  
2 safety if a conviction is set aside. The department of public safety must  
3 update the person's criminal history with an annotation that the  
4 conviction has been set aside but may not redact or remove any part of the  
5 person's record.

6 G. This section does not:

7 1. Require a law enforcement agency to redact or remove a record or  
8 information from the record of a person whose conviction is set aside.

9 2. Preclude the department of public safety or the board of  
10 fingerprinting from considering a conviction that has been set aside when  
11 evaluating an application for a fingerprint clearance card pursuant to  
12 section 41-1758.03 or 41-1758.07.

13 H. If the court denies an application to have a judgment of guilt  
14 set aside, the court shall state its reasons for the denial in writing and  
15 on the record.

16 I. A victim has the right to be present and be heard at any  
17 proceeding in which the defendant has filed an application to have a  
18 judgment of guilt set aside pursuant to this section. If the victim has  
19 made a request for postconviction notice, the attorney for the state shall  
20 provide the victim with notice of the defendant's application and of the  
21 rights provided to the victim in this section.

22 J. Notwithstanding section 13-905 or 13-906, if a conviction is set  
23 aside, the person's right to possess a gun or firearm is restored. This  
24 subsection does not apply to a person who was convicted of a serious  
25 offense as defined in section 13-706.

26 K. This section does not apply to a person who was convicted of any  
27 of the following:

28 1. A dangerous offense.

29 2. An offense for which the person is required or ordered by the  
30 court to register pursuant to section 13-3821.

31 3. An offense for which there has been a finding of sexual  
32 motivation pursuant to section 13-118.

33 4. ~~Am~~ A FELONY offense in which the victim is a minor under fifteen  
34 years of age.

35 5. An offense in violation of section 28-3473, any local ordinance  
36 relating to stopping, standing or operation of a vehicle or title 28,  
37 chapter 3, except a violation of section 28-693 or any local ordinance  
38 relating to the same subject matter as section 28-693.

**APPROVED BY THE GOVERNOR MAY 22, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2019.**



Passed the House February 14, 20 19

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

Mr. [Signature]  
Speaker of the House

☒ Pro Tempore

[Signature]  
Chief Clerk of the House

Passed the Senate May 16, 20 19

by the following vote: 24 Ayes,

2 Nays, 4 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

16 day of May, 20 19

at 4:26 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 22nd day of

May 2019

at 2:13 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 22 day of May, 20 19

at 4:01 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2480